

**SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
(PUBLIC HEARING – REZONING)**

August 4, 2003

5:30 PM

Mayor Baines called the meeting to order.

Mayor Baines called for the Pledge of Allegiance, this function being led by Alderman Forest.

A moment of silent prayer was observed.

The Clerk called the roll:

Present: Aldermen Gatsas (late), Sysyn, Osborne, Pinard, Lopez, Shea,
DeVries, Garrity, Thibault and Forest

Absent: Aldermen Wihby, Guinta, O’Neil and Smith

Mayor Baines advised that the purpose of the special meeting is to hear those wishing to speak in favor of or in opposition to a proposed Zoning Ordinance change; that the Clerk will present the proposed Zoning Ordinance change for discussion at which time those wishing to speak in favor will be heard, followed by those wishing to speak in opposition; that anyone wishing to speak must first step to the nearest microphone when recognized and recite his/her name and address in a clear, loud voice for the record, that each person will be given only one opportunity to speak; and any questions must be directed to the Chair.

The Clerk presented the proposed Zoning Ordinance change:

“Amending the Zoning Ordinance of the City of Manchester by amending the language to allow Multi-family and other residential dwellings in the Redevelopment (RDV) District.”

Mayor Baines requested that Robert MacKenzie, Director of Planning, make a presentation.

Planning Director Robert MacKenzie stated tonight we’re going to look at a text change to the zoning ordinance that would affect the RDV Zoning District of the City. I did want to outline and give you some idea as what the extent of the RDV District is. RDV stands for Redevelopment District. This district includes all of the red area. This is all of the RDV

district in the City and to orient you this is Elm Street, north and south, here is Valley running east/west and this is Queen City Avenue running into South Willow Street. So the red area, the old Redevelopment area used to be an industrial district. It followed the old railroad lines in general. The rail line that went south towards Lawrence, there was also a hook in the line, this is the Portsmouth branch that headed out to the seacoast. And then there was a line that came back towards the downtown on Valley Street. In addition, the main yards were here and the main line was here. Because of the rail system industry grew up around this area. Industry no longer really uses any significant amount of the rail lines, so over the last three or four decades this area has been transitioning and that's why in the master plan and the zoning ordinance this area was recommended to be a redevelopment area, changing over eventually to different types of commercial, office, warehousing, and housing. The proposal tonight is to add some additional uses in this district. Right now there's a number of different types of commercial uses. We are proposing that multi-family be allowed within this area. All of the areas around, you can see a pocket in the middle here that's mostly multi-family, and the dark yellow are all multi-family zones. In general the market pressures have been pushing in to create some additional multi-family in this district. I did want to note that the change that the Clerk handed out tonight is a little bit different than what was in the package. The package had an earlier draft. The primary changes in the revised draft to is to include multi-family, townhouses, and duplexes within the RDV District. And just to go back a little bit to the history of this particular request. There was a request by an applicant, Mr. Giovagnoli, to change the zoning in this particular area, which is near the corner of Valley Street and Belmont, right near the new Walgreen's Pharmacy, to change this one are from RDV to multi-family zone. After review with several people, including the City Solicitor, it was felt that that would probably be spot zoning and would not be legal. After reviewing with staff of the Planning Department and Building Department, however, I think everybody felt that the original intent of the Redevelopment District was to allow more housing, so that you'd have more mixed use areas. You could have some commercial, multi-family and townhouses. So because of that, and in this case that would assist the particular applicant because he would be able to build multi-family on that particular lot, but we do believe to be consistent with zoning that you have to uniformly provide these for an entire district, and in general, we do feel that mixed use multi-family townhouses would be appropriate in this area and eventually over time this area will change and include more mixed use types of projects. So at that point I would be happy to answer any questions of the Board.

Alderman Forest stated I have two and I believe I talked to you on the phone today because I got a couple of phone calls from people and they were concerned about the Hackett Hill Road, and I know you answered my question but one of the ladies who called me said that if it was raining she couldn't come tonight, so I'd figure I'd ask you the question again and she's going to be listening to it. The question she had was the concern with Hackett Hill Road, but I guess now from your answer on the phone and what you explained, this would not effect Hackett Hill Road. Is that correct?

Mr. MacKenzie answered that is correct. This is just specifically to the RDV District. She may have been thinking that's the RP District, which is Research Park, which is Hackett Hill, but this is strictly the southern end of the downtown area.

Alderman Forest stated okay, so it answers my question and it answers her question.

Alderman Thibault stated what I'd like to know Bob is with the new zoning in that area, let's say basically from Valley Street to Auburn Street, if in fact we change the zoning, what kind of restrictions are going to be put on the building that are there now, the businesses that are there now? Are there going to be any restrictions on them at all?

Mr. MacKenzie replied not there would not. We are additional uses in this case so it does not in any way impair those existing uses. If they're commercial, they're allowed, if they're some older industrial, they're probably grand fathered, but it does not make it any harder on those businesses. They will not change.

Alderman Thibault stated I want to be sure that I heard that again now. There's no restrictions on the people that are there now? Would they be like grand fathered in, like what you just said?

Mr. MacKenzie answered there may be some older, heavy industry that's already grand fathered in under the RDV, but they're status would not change at all as a result of this proposal.

Alderman Shea asked Bob could you put that back on and then explain what streets are impacted, if you know the streets themselves? Because I think that's going to be impacting my ward. Now it goes up Valley Street and I know that you made reference to Bell Street and that section that would be beyond Bell, I think Grove, and then maybe parts there.

Mr. MacKenzie replied this is Valley right here. It does not go up to include, although it would allow the same type of uses that are allowed. This is Bell Street right here. So it would include up to Grove Street here, and out all the way to Massabesic Street and Cypress. There are some older businesses in there, there's a lighting business, there's L-Tech I believe it is, the uniform business there on Taylor Street. It would then go down to, this is Hayward Street right here, and that's the large building that used to be International Paper I believe. This is a new multi-family building. Here is Wilson Street.

Alderman Shea stated there's a lot of multi-family involved there already.

Mr. MacKenzie replied right. Those would actually come out of a grand fathered status that they were and become a legal status. All of the existing multi-family, and then it does

extend down, you can see the pocket here which is all residential, but this is the old Lion's Iron Works and Shasta Street. So the southerly extent for this part is Shasta Street, with a small part just south of Queen City Avenue and outside of your ward it does go down to include the old Sundial Center and the Velcro Property here.

Alderman Lopez asked Bob we are requesting this? The City is requesting this or an individual developer?

Mr. MacKenzie answered the developer asked that just this parcel right here be changed in zoning. Again, after reviewing with the Building Department, Solicitor's Office, we didn't feel that was a legal approach, but we did generally concur that it would be appropriate as the City to propose this change, allowing multi-family. So, in essence, the staff is proposing this.

Alderman Lopez asked have you done an analysis as to by us doing this, is this the only area that can be an RDV?

Mr. MacKenzie answered yes. This is likely the only area that the Board would ever zone RDV. We would not see it expanding any more. This is kind of a unique area, again around the old railroad tracks. But it would only apply to the area in red on this map.

Alderman Lopez asked and the area up by Valley Street, the land that was asked to be rezoned, would you go over that one again?

Mr. MacKenzie replied there's a property here, there's the Walgreen's Pharmacy, and right beside it there's an old power substation with a couple of structures, and then there's a vacant lot behind, there's a multi-family right here on the corner of Belmont and Valley. Right behind it and extending out to Bell Street, there's a relatively large lot that's been vacant for quite a while.

Alderman Shea stated Bob the thought just occurred, in rezoning such as this, has your department studied at all the impact that this might have on City services, such as education or fire services, police or anything of that nature? Have you discussed with your staff that particular concern?

Mr. MacKenzie answered we have discussed it on the staff level, we have not discussed it with either the schools or the Police Department, but generally speaking the infrastructure, the City's infrastructure in this area has capability. I'd prefer to see new development in this part of the City rather than in outlying areas because you get a lot less of a traffic impact and you also impact the schools that are undergoing the most stress right now are out on the periphery.

Alderman Shea interjected not necessarily, but Beech Street School is located in that section and so is Wilson and they're impacted as well.

Mr. MacKenzie continued in general though if you look at the enrollments of the four schools in this area, Bakersville, Jewett, Wilson and Beech Street, generally the enrollments have been stable or declining. Jewett Street for example has had relatively significant decline in enrollments over the last few years.

Alderman Shea stated excuse me Bob. Jewett would not be impacted by that at all because the area down below there on Shasta Street actually belongs to Bakersville School, so Jewett would not be...they end on Maple Street so that would not impact them at all. It would impact more Bakersville as well as Beech and Wilson schools.

Mr. MacKenzie replied right. There are students that do go...Jewett has kind of a split where they have certain areas that are different for K through 3 than 4 through 5. So there are some areas that come up close to here. They do include an area up to...right here is Maple Street and so there are certain areas on the edge here of this RDV District that would attend Jewett. At least for the first three grades, K through 3.

Alderman Gatsas asked Bob what sections of red are new to the red?

Mr. MacKenzie answered the map does not really change. The dark red is RDV, the lighter shades of red, just for comparison, were other business zones. So this pink shade is actually B-2 on South Willow Street, this is a B-2 on Queen City, but the district does not change.

Mayor Baines stated I think what he's saying within that whole configuration, correct me if I'm wrong, I know you've pointed out certain things that are changing, is there anything specific that is already the same? What is changing within those points?

Mr. MacKenzie answered the only changes are that you would allow multi-family, townhouses and duplexes within that red area.

Alderman Gatsas asked but didn't you say that there was one, the one up on the corner of Belmont, that zoning was changing?

Mr. MacKenzie replied it was requested but the staff recommended against it because we felt that it would not be legal. So, in essence, all of the red would stay the same, there would just become allowed additional uses in there.

Alderman DeVries stated I'm just wondering if setback requirements and lot size requirements for the RDV versus the R-SM. Are they different?

Mr. MacKenzie answered they're basically the same as the R-3 District, which is urban multi-family and most of the areas, not all of them, but most of the beige color adjacent to it are R-3. Certainly this central section in the middle is an R-3 multi-family. So the minimum lot size, the yard requirements, are the same as the R-3.

Alderman Lopez asked go back to Belmont. Is the developer still going to develop event thought the staff...because I think we approved the rezoning on that, didn't we?

Mr. MacKenzie answered no that was not approved.

Alderman Lopez asked but is the developer going to pursue under the present system?

Mr. MacKenzie replied we do have a gentleman interested in the property and I suspect he would probably move ahead if the site was...if these changes were made. He may be speaking tonight.

Mayor Baines stated tonight all we're doing is hearing testimony. It's going to the Bills on Second Reading.

Alderman Lopez stated the staff said they weren't going to do that, so I just wanted to make sure that...

Alderman Osborne stated the property on Valley and Bell, we just discontinued the street on Bell Street at the end where he picked up 25 feet and then another abutter picked up 25 feet. Is this going to be, from what I understood, for the elderly?

Mayor Baines stated if we're going to have conversations with somebody in the audience, we need to have them on a microphone so that they become part of the official record because...and then the gentlemen will be speaking in just a minute.

Mr. MacKenzie stated all that I knew was that the gentleman was interested in developing ADA accessible units because there are not a lot of those units in the city. Perhaps some garden style on Belmont Street and perhaps some townhouses there on Bell Street.

Mayor Baines called for those wishing to speak in favor.

David Giovagnoli, 129 Prout Avenue, stated as I previously mentioned I was the one I guess that initiated this change. The property mentioned was on Valley and Belmont, and to answer your question is that the plan was to develop wheelchair accessible apartments. In a sense I guess your elderly if they need those abilities have wheelchair accessible, yes they could go there, but my intent is to have more younger, active adults move into these apartments because it's close proximity to the foods and easily wheelchair distance, but it's not...if an elder person wants to move in there, they are more than free to do that. My intent

was to just develop some wheelchair accessible apartments. You mentioned earlier about some townhouses, that was in the early stages I was thinking about putting townhouses on it, but that's been discontinued. I'm just looking to put some wheelchair accessible apartments.

Alderman Forest stated I know you said wheelchair accessible apartments. Are the apartments themselves going to be for people in wheelchairs and disabled in wheelchairs? Because I have a friend of mine who is in a wheelchair and I know she lives in an apartment in Arizona, and the counters are lower and the bathrooms are wider and all of this stuff. Is that the kind of apartments you plan on building?

Mr. Giovagnoli answered yes, this would be fully accessible, kitchen, bathroom, everything. If you're familiar with the place of Courtyard Apartments on Main Street, there are 24 units there that are fully ADA compliant. Bathrooms are wheelchair accessible with roll in bath, or tubs with grab bars, that kind of access. So everything would be.

Alderman Forest asked okay, so everything would be ADA compliant?

Mr. Giovagnoli answered exactly. Obviously some of these would possibly be two bedrooms, so one of them wouldn't...a combination. But everything, kitchens, everything would be, doors, etc.

Mayor Baines stated and again, Bills on Second Reading will be dealing with this.

Alderman Osborne asked what kind of rents would this be producing?

Mr. Giovagnoli answered I guess it would probably be fair market rent right now.

Alderman Osborne asked which is?

Mr. Giovagnoli answered probably \$950.00, something in that range.

Mayor Baines called for those wishing to speak in opposition.

There was no one wishing to speak in opposition.

On a motion of Alderman Thibault, duly seconded by Alderman Pinard, it was unanimously voted that the testimony presented be referred to the Committee on Bills on Second Reading to be taken under advisement with reports to be made to the Board of Mayor and Aldermen.

This being a special meeting of the Board, no further business was presented, and on motion of Alderman Pinard, duly seconded by Alderman Garrity, it was voted to adjourn.

A True Record. Attest.

City Clerk